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Testimony by Marcoses possible

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NEW YORK - A state Supreme Court judge yesterday indicated he will authorize lawyers for the Philippine government to get sworn depositions from Ferdinand and Imelda Marcos about the \$350 million in property that they purportedly own in New York.

The judge, Elliot Wilk, yesterday extended until March 19 a temporary order prohibiting the sale or transfer of those properties. And he said he would issue his opinion on the depositions as early as today.

While he would not say what that opinion would be, during an afternoon court hearing he repeatedly said he saw no reason why the Marcoses should not sign depositions, and added that doing so would help clear up questions about the true owners of the five properties involved.

Yesterday's actions were the most concrete in the effort to determine the extent of the Marcoses' holdings, which are estimated by the CIA to be about \$3 billion and by his critics to be as high as \$30 billion.

Lawyers for the Center for Constitutional Rights, representing the government of President Corazon Aquino, were clearly buoyed by yesterday's developments and proclaimed the continuation of the restraining order as a "nearly complete victory."

"This gives us the time we need to document the Marcos' secret ownership of the properties here," Peter Weiss, an attorney for the human rights group, said in an interview after the hearing. "I'm not sure what more we could have gotten."

In the closing days of his 20-year rule of the Philippines, Marcos said one reason he was reluctant to come to the United States was his fear of becoming personal-

ly involved in court cases, and attorneys said yesterday that they expected him to use every means available to keep from being deposed.

Request came as surprise

Even after Wilk issues his opinion, they explained, they will have to go to the federal district court in Hawaii to get further permission for the depositions. Weiss said he expected to act on the matter within a week.

The request to have the Marcoses deposed came as a surprise late in yesterday's hearing, which was held to determine whether Wilk's restraining order should be extended until the properties' owners could be determined.

Attorneys for four of the properties - controlled by a company run by two brothers named Bernstein - made an agreement with the plaintiffs beforehand for the two-week extension. They were clearly surprised, and strenuously objected, when Weiss and his colleagues then asked for permission to depose the Bernsteins and the Marcoses.

After protracted arguments, Wilk ruled that the Bernsteins would not have to be deposed but would have to be available for questioning at the March 19 hearing.

Their testimony is pivotal in the case. They were cited for contempt of Congress last week for refusing to answer questions about the property before a House subcommittee.

Gerald Wolpen, an attorney representing the one property in question not controlled by the Bernsteins - it is on Long Island; the others are in Manhattan - emphatically and persistently said no credible evidence had been presented to back demands for a restraining order.

Attorneys opposed request

He and the Bernsteins' attorney, Michael Silverberg, also objected to the Marcoses being deposed. Wolpen, asked by Wilk why he cared what the Marcoses did if they were not connected to his property, replied, "I personally am not affected."

"You can't have it both ways," the judge shot back, drawing laughter from the roomful of reporters and participants.

The Aquino government alleges that Marcos, through a series of third parties and straw corporations, bilked the Filipino people of billions of dollars. The Center for Constitutional Rights says

most of the US property owned by Marcos is probably in New York and California, with more in Hawaii, Texas and New Jersey.

The Bernsteins have been at the center of the controversy since witnesses told the House Foreign Affairs subcommittee on Asian and Pacific Affairs that their company was a front for Marcos interests in New York. They have denied that, but a number of documents found in Manila indicate it may be true.

The latest, reported in yesterday's New York Times, are a telex from the Bernsteins' firm to Gilceria Tantoco, a close associate of Imelda Marcos, and an accompanying note from Tantoco to Mrs. Marcos.

The telex gives Tantoco guidance about management of a property, which is not identified. The attached handwritten note says: "Do you agree to this and we'll just work out the subsequent other details? I gave him [Bernstein] your initial direction and he knows what to do."